

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KATHLEEN BESWICK and ROBERT
WAHLBERG,

Plaintiff,

Case No. 05-60081

v.

Honorable John Corbett O'Meara

ARBORS AT LAKESIDE, an Assumed Name
for ARBORS AT THE WOODS LIMITED
DIVIDEND HOUSING LIMITED
PARTNERSHIP; STERLING
MANAGEMENT, LTD., INC.; LARRY
SWANK; and LANCE SWANK,

Defendants.

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ORDER OF PARTIAL DISMISSAL

Plaintiffs filed a two-count complaint in this court April 20, 2005. Count I alleges violations of the Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.* Count II alleges violations of Michigan's Persons with Disabilities Act, Mich. Comp. Laws Ann. §§ 37.1101 *et seq.*

While alleged violations of the federal statute are cognizable in this court pursuant to 28 U.S.C. §§ 1343, the remaining allegations present claims based on state law. Since the parties to this matter are not diverse, this court declines to exercise supplemental jurisdiction over the latter claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). Therefore, it is hereby **ORDERED** that Count II is **DISMISSED**.

s/John Corbett O'Meara

John Corbett O'Meara

United States District Judge

Dated: April 27, 2005